

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, March 17, 2015**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Tony Chmelik, Treasurer; Kirby Delauter, Jerry Donald, Jessica Fitzwater, and Billy Shreve were present for the meeting.

Also present were Ragen Cherney, Council Chief of Staff; Michael Chomel, County Attorney's Office; and Patti Morrow, Recording Secretary.

Council President Otis called the meeting to order at 4:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

The meeting began with a moment of silence followed by the recitation of the Pledge of Allegiance.

**Public Comments**

- George Rudy
- Susan Reeder Jesse
- Wayne Peterson
- Charles Packan
- Joe Parsley

**CONSENT AGENDA**

The following items were considered on the consent agenda:

- Board of Education School Construction Fund Amendments
  - #15-10 and County Budget Transfer #15-149
  - #15-11
- County Budget Transfer #BT-15-145, Office of Children and Families – Earned Reinvestment Funds

*Council Member Keegan-Ayer moved to approve the consent agenda as presented. Council Member Fitzwater seconded the motion that passed 6-0-1 with Council Member Shreve abstained.*

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<b>Council Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent/ Abstain/ Present</b>
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

**Council President's Report**

Council President Otis noted that in order to provide the Council and the public adequate time to consider the supporting documentation for the agenda items, County staff will begin posting the agenda and all the supporting documentation by noon on the Wednesday preceding the scheduled meeting.

**Council Comments**

Comments were provided by the Council Members.

**Business Items:****Approval of Minutes**

*Council Member Keegan-Ayer made a motion to approve the March 3, 2015, minutes. Council Member Donald seconded the motion that passed 7-0.*

<b>Council Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent/ Abstain/ Present</b>
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

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Board of Education (BOE) Nonrecurring Costs Included in the FY 2016 Operating Budget – Mike Gastley, Budget Office

Mr. Gastley presented the nonrecurring expenditures and requested approval to submit to the Maryland State Department of Education (MSDE) the costs to be excluded from the maintenance of effort calculation. Ms. Leslie Pellegrino, Frederick County Public Schools, commented on the Contracted Service Lease Payment that would constitute a nonrecurring cost.

*Council Member Keegan-Ayer moved to approve submitting the request for approval to the MSDE as presented. Council Member Donald seconded the motion that passed 6-0-1 with Council Member Shreve abstained.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

Joint Frederick County and City of Frederick Resolution of Support for MedImmune Maryland Economic Development Assistance Authority and Fund (MEDAAF) – Helen Prophetter, Office of Economic Development

Ms. Prophetter presented a joint resolution of support for MedImmune, LLC MEDAAF. She noted the benefits in supporting the match through the New Jobs Tax Credit initiative.

*Council Member Keegan-Ayer moved to approve the resolution as presented. Council Member Delauter seconded the motion that passed 6-0-1 with Council Member Shreve abstained.*

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<b>Council Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent/ Abstain/ Present</b>
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

(A copy of the approved/adopted resolution can be found on the county's website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).)

Confirmation of Appointment to the Frederick County Planning Commission (FcPc) – Doug Browning, Chief Administrative Officer

Mr. Browning presented the County Executive's appointment of Mr. Robert White to fill the existing vacancy on the FcPc.

A discussion was held.

*Council Member Keegan-Ayer moved to confirm the appointment of Mr. White to the FcPc. Council Member Fitzwater seconded the motion that passed 4-3 with Council Members Chmelik, Delauter, and Shreve opposed.*

<b>Council Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent/ Abstain/ Present</b>
District 1 - Donald	X		
District 2 - Chmelik		X	
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter		X	
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

Annual Transportation Priorities Review (ATPR) – Ron Burns, Community Development Division

Mr. Burns and Mr. Jim Gugel, Community Development Division, reviewed the recommended transportation priorities that would be used by the Maryland Department

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of Transportation (MDOT) in the preparation of the annual update to the Maryland Consolidated Transportation Program.

Public comments were heard from:

- George Rudy
- John Gretz
- Wayne Peterson
- Cindy Unangst, Town Planner, Town of Middletown
- Ralph Whitmore, Burgess, Town of Walkersville
- Eric Soter, Frederick Area Committee for Transportation (FACT)
- Art Dee, FACT

A discussion ensued regarding moving the MD 194 widening ahead of MD 75 in project planning priorities.

*Council Member Keegan-Ayer moved to accept the ATPR for 2015 as presented and forward comments to the County Executive. Council Member Fitzwater seconded the motion that passed 5-2 with Council Members Chmelik and Shreve opposed.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik		X	
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

**Public Comments**

- George Rudy
- John Gretz
- Wayne Peterson
- Michael Hill

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Discussion Regarding Placement of Proposed Items on a Future Agenda – Council President Bud Otis

1) Letters to the Maryland Governor Regarding:

- Automatic Gas Tax Increase
- Charter School Bill
- Common Core Bill
- Death with Dignity Act
- Stormwater Management Fee “Rain Tax”

*No action was taken on this item.*

2) Letter from County Executive Regarding Clean Chesapeake Coalition (CCC)

*Council Member Shreve moved to have the CCC give a presentation represented by the law firm of Funk and Bolton at a future meeting. Council Member Delauter seconded the motion that passed 4-3 with Council Members Donald, Fitzwater and Keegan-Ayer opposed.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

**Council Comments**

Council Members Keegan-Ayer, Chmelik, Delauter, Fitzwater, and Shreve provided comments.

**Closed Session**

Maryland Annotated Code General Provisions Article §3-305(b): (7) To consult with counsel to obtain legal advice on a legal matter.

Topic: To discuss the meaning and impact of a recent court decision.

*Council Member Keegan-Ayer moved to go into Closed Session. Council Member Fitzwater seconded the motion that passed 6-1 with Council Member Shreve opposed.*

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<b>Council Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent/ Abstain/ Present</b>
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

**Adjourn**

The meeting adjourned at 8:00 p.m.

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Bud Otis, President  
County Council

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, MARCH 17, 2015**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**Maryland Annotated Code General Provisions Article §3-305(b):**

Maryland Annotated Code General Provisions Article §3-305(b) (): (7) To consult with counsel to obtain legal advice on a legal matter.

**Motion:**

Upon a motion by Council Member Keegan-Ayer, seconded by Council Member Fitzwater, the Council voted 6-1, with Council Member Shreve opposed, to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b) (7) To consult with counsel to obtain legal advice on a legal matter.

**Time and Location:**

8:15 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss the meaning and impact of a recent court decision.

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Bud Otis, President  
County Council



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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, APRIL 7, 2015,  
FOLLOWING THE CLOSED MEETING OF TUESDAY, MARCH 17, 2015**

**STATUTORY AUTHORITY TO CLOSE SESSION**

Maryland Annotated Code General Provisions Article §3-305(b) (7) To consult with counsel to obtain legal advice on a legal matter.

**Motion:**

Upon a motion by Council Member Keegan-Ayer, seconded by Council Member Fitzwater, the Council voted 6-1, with Council Member Shreve opposed, to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b) (7) To consult with counsel to obtain legal advice on a legal matter.

**Time and Location:**

8:15 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

J. Mathias, M. Chomel, K. Mitchell, D. Browning, R. Cherney, and S. Horn

**Topic to be Discussed:**

To discuss the meaning and impact of a recent court decision.

**Action Taken:**

No action was taken.

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Bud Otis, President  
County Council